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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/680,280 | 10/06/2000 | David B. Dwyer | H0001181 | 8489 |

128 7590 06/10/2002

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EXAMINER

TRAN, DALENA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3661

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,280

Applicant(s)

DWYER ET AL.

Examiner

DALENA TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 3/20/02. As per request, claims 1,8-11,18,25-27,35-37, and 45-47 have been amended. Thus, claims 1-47 are pending.

The prior art submitted on 3/20/02 has been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5,11-15,28-32, and 38-42, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Deker et al. (6,181,987) in view of Bang et al. (5,715,163).

As per claims 1,11, and 28, Deker et al. mention a navigational system, comprising: a display device that includes a graphical and a textual display portion (see column 4, lines 36-65). Bang et al. mention logic simultaneously display of an original flight plan and a modified flight plan on display device (see columns 1-2, lines 40-34; columns 2-3, lines 53-53; and columns 4-6, lines 28-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Deker et al. by mention logic simultaneously display of an original flight plan and a modified flight plan on display device for comparison of the

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constraint and performance of flight plan enable to made an accurate decision which flight plan is to be used.

As per claims 39-40, Deker et al. mention a display device, and textual display of comparative data for an original flight plan and a modified flight plan (see columns 5-7, lines 24-39).

As per claims 2,12, and 29, Deker et al. mention a textlist of waypoints, and performance data on the original flight plan and a modified flight plan (see column 8, lines 1-38).

Also as per claims 3-4,13-14,30-31, and 41, Deker et al. mention the textual display presented performance data for waypoints that are added to the modified flight plan, and performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan (see column 8, lines 38-68).

As per claims 5,15, and 32, Deker et al. mention an interface allows operator to change the modified flight plan and logic updates the textlist of waypoints on the textual display when the modified flight plan is changed (see column 7, lines 38-52), and logic updates the performance data on the textual display when the modified flight plan is changed (see column 7, lines 53-68).

As per claim 38, Deker et al. disclose a navigational system, comprising: a CPU, a flight control system (see the abstract; and column 3, lines 5-30, a display device (see column 2, lines 22-29; and column 3, lines 50-69), and CPU provides inputs to flight control system based on navigational data corresponding to the original flight plan (see column 2, lines 1-21, and lines

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30-60). Bang et al. mention logic simultaneously display of an original flight plan and a modified flight plan on display device (see columns 1-2, lines 40-34; columns 2-3, lines 53-53; and columns 4-6, lines 28-53).

As per claim 42, Deker et al. mention interface device and logic updates the comparative data on the textual display when the modified flight plan is changed (see column 1, lines 39-64; and columns 5-7, lines 23-38).

4. Claims 6-10,16-17,33-37, and 43-47, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Deker et al. (6,181,987), and Bang et al. (5,715,163) as applied to claims 1,11,28, and 38-39 above, and further in view of Lions (4,086,632).

As per claims 6,16,33, and 43, Lions mention the textual display waypoints to be removed on the original flight plan, not on the modified flight plan (see columns 7-8, lines 36-3; columns 10-11, lines 37-38; and columns 14-15, lines 42-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Deker et al., and Bang et al. by mention the textual display waypoints to be removed on the original flight plan, not on the modified flight plan to provide a clear view of the modified flight plan for an operator.

As per claims 7,17,34, and 44, Lions mention when the modified flight plan is activated to become a new original flight plan, logic removes from the textual display the waypoints that are designated to be removed (see the abstract; and columns 11-12, lines 38-26).

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As per claims 8,35, and 45, Lions mention graphical and textual display of original flight plan and the modified flight plan is simultaneously presented on display device (see columns 12-13, lines 27-42).

As per claims 9,36, and 46, Lions mention graphical and textual display of original flight plan and the modified flight plan is simultaneously presented on display device (see columns 12-13, lines 27-42), and the graphical display is updated when the modified flight plan is changed (see columns 8-9, lines 62-19). Deker et al. mention interface device allows an operator to change the modified flight plan on either the textual or graphical display (see column 1, lines 37-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Deker et al., and Bang et al. by mentioning allows an operator to change the modified flight plan on either the textual or graphical display and the graphical display is updated when the modified flight plan is changed to convenience for a user compare the original flight plan and the modified flight plan.

As per claims 10,37, and 47, Lions mention graphical and textual display of original flight plan and the modified flight plan is simultaneously presented on display device (see columns 12-13, lines 27-42), the graphical display is updated when the modified flight plan is changed (see columns 8-9, lines 62-19), and when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan (see columns 9-10, lines 20-18). Deker et al. mention interface device allows an operator to

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change the modified flight plan on either the textual or graphical display (see column 1, lines 38-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Dekker et al., and Bang et al. by mention when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan to avoid unnecessary data left in the screen display to confuse the operator.

7. Claim 18 is method claim corresponding to system claims 1 and 11;

Claim 19 corresponding to system claims 2 and 12;

Claim 20 corresponding to system claims 3 and 13;

Claim 21 corresponding to system claims 4 and 14;

Claim 22 corresponding to system claims 5 and 15;

Claim 23 corresponding to system claims 6 and 16;

Claim 24 corresponding to system claims 7 and 17 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 25-27 corresponding to system claims 8-10 above. Therefore, they are rejected for the same rationales set forth as above.

Remarks

8. Applicant's argument files on 3/20/02 have been fully considered and they are deemed to be persuasive. However, upon updated search and the amended claims, the new ground of rejection has been set forth as above.

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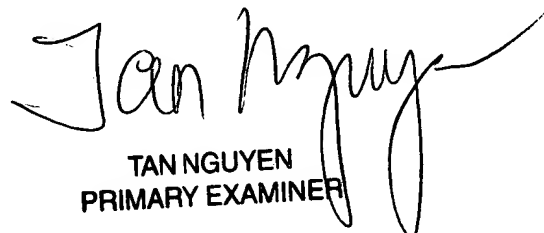
Applicant's argue on page 16 of the amendment that Deker reference displays graphically but not textually, but examiner found in column 4, lines 36-65 has both graphic and textual window display. Also, applicant's argue there is no simultaneously present a textual display of original and modified flight plan, this has been cited in new cited reference Bang et al. (5,715,163) as item 3 above for claims 1,11, and 28.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is (703)308-8223. The examiner can normally be reached on Monday-Friday from 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt
May 30, 2002


TAN NGUYEN
PRIMARY EXAMINER